

## Message Text

CONFIDENTIAL

PAGE 01 IAEA V 07125 261623Z

44

ACTION IO-13

INFO OCT-01 EUR-12 EA-07 ISO-00 OES-06 ACDA-07 CIAE-00

INR-07 L-03 NSAE-00 NSC-05 EB-07 NRC-05 FEAE-00

DODE-00 PM-04 H-02 PA-01 PRS-01 SP-02 SS-15 USIA-06

AF-08 ARA-06 NEA-10 OIC-02 /130 W

----- 003903

R 261452Z AUG 76

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC 8007

INFO AMEMBASSY LONDON

AMCONSUL MONTREAL

AMEMBASSY PARIS

USMISSION GENEVA

AMCONSUL HONG KONG

AMEMBASSY TOKYO

USMISSION USUN NEW YORK

AMEMBASSY BANGKOK

USERDA HQ WASHDC

USERDA HQ GERMANTOWN

C O N F I D E N T I A L USMISSION IAEA VIENNA 7125

DEPT PASS IO/SCT

E.O. 11652: GDS

TAGS: PORG, VN, IAEA

SUBJECT: MEMBERSHIP OF VIETNAM IN IAEA

REF: (A) STATE 206092, (B) IAEA VIENNA 6210 (NOTAL),  
(C) IAEA VIENNA 6303 (NOTAL), (D) GENEVA 6758

1. AS NOTED REFTTEL (B), IAEA SECRETARIAT IN JULY  
HAD REFERRED JAPANESE MISSION TO U.S. MISSION FOR  
RESPONSE TO INQUIRY, SINCE USG IS DEPOSITARY OF  
IAEA STATUTE, RE EFFECT OF SOCIALIST REPUBLIC OF  
VIETNAM SEEKING EITHER TO SUCCEED TO MEMBERSHIP IN  
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PAGE 02 IAEA V 07125 261623Z

IAEA OF REPUBLIC OF SOUTH VIETNAM OR APPLYING FOR

MEMBERSHIP IN ITS OWN NAME. IN REFTEL (C), SEVERAL DAYS LATER, MISSION REPORTED RECEIPT BY IAEA DIRECTOR GENERAL OF LETTER FROM FOREIGN MINISTER OF SOCIALIST REPUBLIC OF VIETNAM STATING THAT IT WILL CONTINUE "OFFICIAL MEMBERSHIP" IN IAEA OF REPUBLIC OF SOUTH VIETNAM. REFTEL CONVEYED REQUEST FROM IAEA ASST. DIRECTOR GENERAL FOR REACTION OF USG AS DEPOSITARY.

2. THUS, IAEA SECRETARIAT HAS NOT RPT NOT ATTEMPTED TO DEAL WITH QUESTION ALONE TO DATE AND, IN FACT, AWAITS ADVICE FROM USG. ON AUGUST 24, DEPUTY DIRECTOR GENERAL HALL GAVE ME COPY OF LETTER TO DIRECTOR GENERAL FROM FOREIGN MINISTER REPORTED REFTEL (C) AND FORMALLY REQUESTED USG VIEWS. COPY OF THAT LETTER, DATED JULY 12, ALONG WITH TRANSMITTAL LETTER DATED JULY 21 FROM THE OFFICE OF THE PERMANENT OBSERVER OF THE REPUBLIC OF SOUTH VIETNAM IN GENEVA, HAVE BEEN POUCHED TO CAVANAUGH/IO/SCT.

3. RE PARA 2 REFTEL (A), IAEA HAS NO CONSTITUTIONALLY ESTABLISHED METHODS NOR DOES ITS GENERAL CONFERENCE HAVE PREEROGATIVES IN QUESTION OF SUCCESSION ASIDE FROM PROCEDURE OF ACCEPTANCE OF CREDENTIALS OF DELEGATES TO CONFERENCE, AS MENTIONED REFTEL (B). STATUTE AND RULES OF GENERAL CONFERENCE ADDRESS ONLY MATTER OF ADMISSION OF NEW MEMBERS.

4. IAEA DOES HAVE PRECEDENT, HOWEVER, FOR DEALING WITH CASE WHERE MEMBER STATE PLUS NON-MEMBER STATE FORM NEW ENTITY, WHICH THEN SEEKS TO SUCCEED TO MEMBERSHIP. CASE OF UAR SEEKING IN 1958 TO SUCCEED TO MEMBERSHIP OF EGYPT (SYRIA HAD PREVIOUSLY SIGNED BUT NOT RATIFIED STATUTE) DESCRIBED IN DETAIL IN WHITEMAN, "DIGEST OF INTERNATIONAL LAW," VOL. 2, PP. 957-959 (AND VOL. 14, PP 86-87 AND IN SZASZ "LAW AND PRACTICES OF IAEA" (AGENCY'S LEGAL SERIES NO. 7) PP. 99-100. SIGNIFICANT FACTS ACCORDING TO THOSE REFERENCES ARE: A) PROVISIONAL CONSTITUTION OF UAR, PROCLAIMED MARCH 5, 1958 INCLUDED PROVISION THAT INTERNATIONAL TREATIES AND AGREEMENTS CONCLUDED BY EITHER SYRIA OR EGYPT " SHALL REMAIN VALID IN THE

CONFIDENTIAL

PAGE 03 IAEA V 07125 261623Z

REGIONAL SPHERES FOR WHICH THEY WERE INTENDED AT THE TIME OF THEIR RATIFICATION..."  
B) ON MARCH 6, 1958, GOVERNOR FROM EGYPT, SIGNING AS UAR GOVERNOR INFORMED IAEA DIRECTOR GENERAL OF THE FORMATION OF UAR AND THAT CONSEQUENTLY, THE UAR BECOMES THE OFFICIAL MEMBER OF THE IAEA. DIRECTOR GENERAL CIRCULATED COPIES THAT LETTER TO ALL MEMBER STATES ON MARCH 31, 1958.

C) ON JUNE 3, 1959, AUSTRIAN GOVERNMENT BY NOTE TO  
USG, AS DEPOSITARY, ASKED WHETHER IAEA STATUTE HAD ENTERED INTO  
FORCE IN RELATION TO SYRAIN REGIN OF UAR.

D) THEREUPON, SEC STATE, IN NOTE TO GOVERNEMENT  
OF UAR REQUESTED CONFIRMATION THAT MARCH 6, 1958  
COMMUNICATION TO IAEA DIRECTOR GENERAL WAS TO BE  
INTERPRETED TO MEAN THAT STATUTE IS CONSIDERED IN FORCE  
IN RESPECT OF ALL AREAS OF UAR. BY NOTE FROM UAR  
AMBASSADOR TO SECSTATE ON NOVEMBER 4, 1959, GOVERNMENT  
OF UAR CONFIRMED THAT STATUTE CAME INTO FORCE IN  
RESPECT OF SYRIAN REGINON ON MARCH 6, 1958, DATE OF NOTE  
TO DIRECTOR GENERAL.

E) USG AS DEPOSITARY INFORMED AUSTRIAN  
EMBASSY BY NOTE OF JANUARY 11, 1960 OF FORE-  
GOING EXCHANGE WITH UAR. THERE IS NO INDICATION THAT  
USG NOTE OR ITS SUBSTANCE WAS COMMUNICATED TO OTHER  
IAEA MEMBERS OR TO SECRETARIAT. NEVERTHELESS, UAR  
CONTRIBUTION TOWARD IAEA BUDGET WAS THEREAFTER ASSESSED AT TOTAL OF  
FORMER RATES OF EGYPT AND  
SYRIA.

5. WHILE NOT RELEVANT TO VIETNAM CASE, SZASZ DES-  
CRIBES FURTHER ACTION BY USG, IN ROLE OF DEPOSITARY  
ON OCCASION OF SYRIAN ARAB REPUBLIC LEAVING UAR IN  
1961. FOLLOWING RESTORATION BY UNGA IN OCTOBER 1961  
OF STATUS OF SYRIA AS ORIGINAL UN MEMBER, "U.S. STATE  
DEPARTMENT ASKED THE SYRIAN EMBASSY IN WASHINGTON  
WHETHER THE SAR CONSIDERED ITSELF AS A MEMBER OF THE  
IAEA AFTER REGAINING ITS INDEPENDENCE." SUBSEQUENTLY,  
ACCORDING TO SZASZ, THE SYRIAN AMBASSADOR ADDRESSED  
A FORMAL LETTER TO IAEA DIRECTOR GENERAL, RECITING  
PREVIOUS EXCHANGE OF COMMUNICATIONS BETWEEN UAR,  
SAR AND THE DEPOSITARY GOVERNMENT AND ASSERTING THAT  
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PAGE 04 IAEA V 07125 261623Z

SAR RETAINED IAEA MEMBERSHIP DERIVED FROM UAR MEMBER-  
SHIP. SZASZ THEN STATES, "THE DEPOSITARY GOVERNMENT  
WAS INFORMED OF THIS COMMUNICATION AND THEREUPON  
CONCLUDED THAT IT WOULD CONSIDER THE SAR TO BE A  
MEMBER STATE UNLESS IT SHOULD WITHDRAW ITS CLAIM.  
HOWEVER, NO STEPS WERE TAKEN TO INFORM THE MEMBERS  
OF THE AGENCY OF THE STATUS OF SYRIA..."

6. AS NOTED REFTTEL (B) AND REITERATED PARA 6 REFTTEL  
(D) , QUESTION OF IAEA MEMBERSHIP IS MOST PRESSING,  
IN LIGHT OF GENERAL CONFERENCE BEGINNING SEPTEMBER  
21. WE ARE UNFAMILIAR WITH ANY DECLARATIONS RE  
VALIDITY OF TREATIES, ETC., WHICH SOCIALIST REPUBLIC VIETNAM  
MAY HAVE MADE UPON ITS FORMATION. IN ABSENCE OF ANY  
CLEAR PREVIOUS STATEMENT RE APPLICABILITY OF IAEA

STATUTE BEYOND ORIGINAL TERRITORY OF REPUBLIC OF  
SOUTH VIETNAM, MISSION SUGGESTS THAT USG AS  
DEPOSITARY GOVERNMENT ADDRESS FORMAL  
INQUIRY TO GOVERNMENT OF SOCIALIST REPUBLIC  
OF VIETNAM, REFERRING TO JULY 12 LETTER TO IAEA  
DIRECTOR GENERAL AND REQUESTING ASSURANCE OR  
CONFIRMATION THAT IAEA STATUTE HAS COME INTO FORCE WITH  
RESPECT TO ALL AREAS UNDER ITS JURISDICTION.  
ALTERNATIVELY, INQUIRY FROM GOVERNMENT OF JAPAN, REPORTED REFTTEL  
(B) COULD BE USED AS BASIS FOR USG INQUIRY, TO PARALLEL  
USG ACTION IN UAR CASE.

7 IN ABSENCE CLARIFICATION OF STATUS OF SOCIALIST  
REPUBLIC VIETNAM MEMBERSHIP PRIOR TO SEPTEMBER 21, QUESTIONS  
WILL ARISE RE SEATING OF DELEGATION UNDER THAT  
NAME (INVITATION HAVING BEEN ISSUED TO REPUBLIC OF  
SOUTH VIETNAM PRIOR TO RECEIPT OF JULY 12 LETTER)  
AND CREDENTIALS ISSUED BY SOCIALSIT REPUBLIC. ACTION  
AT GENERAL CONFERENCE ON SUCH QUESTIONS MIGHT VERY  
WELL PREJUDICE ANY LATER ACTION WHICH USG, AS  
DEPOSITARY, MIGHT DECIDE IS NECESSARY.

8. PLEASE ADVISESTONE

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** MEMBERSHIP, INTERNATIONAL ORGANIZATIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 26 AUG 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** GolinoFR  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D760326-0646  
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**Image Path:**  
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**Legacy Key:** link1976/newtext/t19760818/aaaaaouc.tel  
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**Locator:** TEXT ON-LINE, ON MICROFILM  
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